

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|------------------------------|---|-----------------------------------|
| SERVICE EMPLOYEES |) | |
| INTERNATIONAL UNION, |) | |
| HEALTHCARE PENNSYLVANIA, |) | 2:08cv138 |
| Plaintiff, |) | Electronic Filing |
| |) | |
| vs. |) | |
| |) | |
| |) | Judge David Stewart Cercone |
| |) | Magistrate Judge Amy Reynolds Hay |
| LEGACY HEALTH NETWORK, LLC; |) | |
| COMMONWEALTH MEDICAL CENTER, |) | |
| Defendants. |) | |

MEMORANDUM ORDER

AND NOW, this 28th day of July, 2008, after the plaintiff, Service Employees International Union, Healthcare Pennsylvania, filed an action in the above-captioned case, and after a Motion to Dismiss was filed by defendants, Legacy Health Network, LLC and Commonwealth Medical Center, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until July 11, 2008, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion to Dismiss [Dkt. 2] is DENIED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the defendants desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.



DAVID STEWART CERCONE
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

All Counsel of Record by electronic filing